



BOARD OF ADJUSTMENT

MINUTES

September 9, 2021

The Board of Adjustment of New Castle County held a public hearing on September 9, 2021 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,
presiding:

CALL TO ORDER – 6:00 p.m.

David Burt
Terry Parker
William Brooks
Edward Thomas
Izuru Osegbu-Rivers
Richard Farmer

Comprising a quorum of the Board; also:
Mengting Chen., Office of Law
Melissa Hughes, Department of Land Use
Alec Davis, Department of Land Use
Antoni Sekowski, Department of Land Use

MINUTES

The minutes of July 15, 2021 were presented for approval and Mr. Parker motioned to Grant July 15, 2021 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

The minutes of July 22, 2021 were presented for approval and Mr. Parker motioned to Grant July 22, 2021 minutes and Mr. Farmer seconded the motion, and the minutes were approved.

PUBLIC HEARING

NEW BUSINESS

The Board heard and received testimony on the following application(s) and took action on the applications as follows:

1. App. #2021-0428-A - James Wynn.

Ms. Osegbu-Rivers moved to **Grant** the application; Mr. Parker seconded the motion.

VOTE: 6-0

ACTION: Grant– Area variance: To construct an addition 15 feet from the rear yard property line (25-foot rear yard setback) see UDC Table 40.04.110.B. S Zoning. CD 11. (App 2021-0428-A) TP 10-043.10-843.

2. App #2020-0347-A – Kevin Havelow.

Mr. Burt moved to **Grant with Conditions**; Ms. Osegbu-Rivers seconded the motion.

VOTE: 6-0

ACTION: Grant with Conditions– Area variances: 1. To maintain a dwelling 9 feet from the Terminal Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To construct a 1,200 square foot detached accessory structure larger than the square footage footprint of the primary dwelling (604 square footage footprint primary dwelling) on a 0.30 acre lot (gross floor area for an accessory structure shall not exceed the square footage footprint of the primary dwelling on lots less than 1 acre) see UCD Section 40.03.410.A. NC5 Zoning. CD 10. (App 2021-0476-A) TP 10-002.30-002.

CONDITIONS:

- 1. The Applicant shall remove the existing temporary storage structure.**
- 2. The Applicant shall remove the existing shed.**

3. App. #2021-0419-A – Willie Smith.

Mr. Burt moved to **Grant Variances 1 through 6**; Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Grant Variance 1 through 6- Area variances: 1. To maintain a dwelling 13 feet from the Ohio Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **2.** To maintain a dwelling 4 feet from the northerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. **3.** To maintain a dwelling 18 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110.B. **4.** To maintain a deck 1 foot from the Ohio Avenue right-of-way (12.5 foot setback for decks) see UDC Table 40.04.110.B. **5.** To maintain a detached accessory structure 14 feet from the Ohio Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. **6.** To maintain a detached accessory structure 4 feet from the southerly side lot line (6-foot side yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2021-0419-A) TP 07-034.40-424.

Mr. Burt moved to **Deny Variance 7**; Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Deny Variance 7 - Area variance: 7. To construct an addition to connect the existing dwelling to the existing detached accessory structure 14 feet from the Ohio Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2021-0419-A) TP 07-034.40-424.

4. App. #2020-0471-A – Carmine Casper.

Mr. Burt moved to **Grant**; Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Grant- Area variance: To construct a dwelling 15 feet from the Maple Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 9. (App 2021-0471-A) TP 08-054.30-101.

5. App. #2021-0473-A – Steven & Jill Hutt.

Mr. Brooks moved to **Grant**; Mr. Parker seconded the motion.

VOTE: 6-0

ACTION: Grant- Area variances: **1.** To maintain a dwelling 25 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. **2.** To construct an addition 10 feet from the rear property line (30-foot rear yard setback) see UDC Table 40.04.110.B. NC10 Zoning. CD 8. (App 2021-0473-A) TP 06-055.00-334.

6. App. #2021-0474-A – Lisa Barker.

Mr. Brooks moved to **Grant**; Mr. Burt seconded the motion.

VOTE: 6-0

ACTION: Grant- Area variances: **1.** To maintain pool decking 3 feet from the rear property line (6-foot setback for pool decking) see UDC Section 40.03.410.H. **2.** To construct an addition 22 feet from the rear property line (25-foot rear yard setback) see UDC Table 40.04.110. NC6.5 Zoning. CD 7. (App 2021-0474-A) TP 10-023.20-064.

7. App. #2020-0525-A – Justin Meyer.

Mr. Burt moved to **Grant with Condition**; Mr. Brooks seconded the motion.

VOTE: 6-0

ACTION: Grant with Condition- Area variances to facilitate the recordation of a Land Development Plan: **1.** To permit 6 parking spaces (14 parking spaces required) see UDC Table 40.03.522. **2.** To permit a maximum gross floor area ratio of 0.34 (0.23 maximum gross floor area ratio) see UDC Table 40.04.110.A. **3.** To permit a Landscape Surface Ratio (LSR) of 0.31 landscape surface ratio (0.50 minimum LSR required) see UDC Table 40.04.110.A. **4.** To maintain a lot size of 0.34 acres (1.00 acre minimum lot size) see UDC Table 40.04.110.B. **5.** To maintain a residential dwelling 3 feet from the Kirkwood Highway right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. **6.** To maintain a residential dwelling 1 feet from the Brighton Avenue right-of-way (15-foot street yard setback) see UDC Table 40.04.110.B. **7.** To maintain a detached accessory structure for the residential use 2 feet from the westerly side lot line (6-foot side yard setback) see UDC Section 40.03.410.A. **8.** To maintain paving 0 feet from the Brighton Avenue right-of-way (40-foot paving setback) see UDC Table 40.04.110.B. **9.** To maintain paving 0 feet from the westerly side lot line (10-foot other yard paving setback) see UDC Table 40.04.110.B. **10.** To permit a 0.0 bufferyard opacity along the Kirkwood Highway right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **11.** To permit a 0.0 bufferyard opacity along the Brighton Avenue right-of-way (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **12.** To permit a 0.0 bufferyard opacity along the westerly side lot line (0.3 bufferyard opacity required) see UDC Table 40.04.111.A. **13.** To permit 0.0 bufferyard opacity along the rear property line (0.3 bufferyard opacity required) see UDC Table 40.04.111.B. CN & NC5 Zoning. CD 1. (App 2020-0525-A) TP 07-038.10-348.

CONDITION: The landscaping shall be consistent with the renderings submitted into evidence.

Melissa A. Hughes

Melissa Hughes
Department of Land Use
11/01/2021